

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 1:09CR449-001
)	
Plaintiff(s),)	
)	
vs.)	JUDGE CHRISTOPHER A. BOYKO
)	
ANTHONY GILL,)	
)	ORDER
Defendant(s).)	
)	

On October 14, 2009, a one count Indictment was filed against the Defendant, alleging a violation of 18 U.S.C. § 2113(a), Unarmed Bank Robbery. Arraignment is scheduled for November 9, 2009 at 3:00 p.m.

On October 23, 2009, counsel for Defendant filed a "Motion for Competency Evaluation and Hearing" (ECF. Doc. 10). The Defendant moves this Court for an Order requiring Defendant to undergo a psychiatric/psychological exam. The Government does not oppose Defendant's request.

According to 18 U.S.C. § 4241(b), the Court may order that a psychiatric or psychological examination be conducted prior to the date of hearing and that a psychiatric or psychological report be filed with the Court pursuant to the provisions of 18 U.S.C. § 4247(b).

The Court finds Defendant's counsel has provided sufficient facts to warrant the Court ordering the exam.

Therefore, Defendant's motion is granted;

FURTHER ORDERED that such examination shall be conducted pursuant to 18 U.S.C. § 4247(b) and shall be completed no later than December 15, 2009.

FURTHER ORDERED that a report of the psychiatric and/or psychological examination of the Defendant shall be submitted to the Court and served on counsel of record (Assistant United States Attorney Joseph Schmitz, 801 West Superior Avenue, Suite 400, Cleveland, Ohio 44113 and Attorney for Defendant, Debra Hughes, Office of the Federal Public Defender, 700 Akron Center Plaza, 50 South Main Street, Akron, OH 44308) pursuant to 18 U.S.C. § 4244(b) with provisions under 18 U.S.C. 4247(c).

FURTHER ORDERED that should the examiner(s) need additional time to complete their examination of the Defendant, they shall file a motion with the Court showing good cause why the additional time is necessary to observe and evaluate the Defendant according to 18 U.S.C. § 4247(b);

FURTHER ORDERED that, unless impracticable, the U.S. Marshals shall forthwith make appropriate arrangements to have the Defendant transferred, under the custody of the Attorney General, for placement in a Federal Medical Center (FMC) or facility closest to this Court. Otherwise, Defendant is referred to FMC Butner, Federal Medical Center, P.O. Box 1600, Butner, NC 27509, where such examination of the Defendant shall be conducted;

FURTHER ORDERED that a hearing shall be scheduled in this matter after the results of the Defendant's examination have been submitted to the Court and counsel;

FURTHER ORDERED that the Defendant shall continue to receive, while in federal custody, all necessary medications and injections currently prescribed to him; and,

FURTHER ORDERED that the Court holds in abeyance the Arraignment scheduled for November 9, 2009 until a hearing is held on Defendant's psychiatric or psychological examination results.

IT IS SO ORDERED.

s/Christopher A. Boyko
Christopher A. Boyko
United States District Judge

November 4, 2009